

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:06CV251

JOHN M. HERMAN,

Plaintiff,

vs.

WILLIAM C. LACKEY, JR. *et al.*,

Defendants.

ORDER

This matter is before the court upon Defendant William C. Lackey, Jr.'s Motion for Reconsideration of Order Granting Plaintiff's Request to Reopen the Time to File an Appeal. Judgment was entered in this case on June 15, 2007. On November 15, 2007, upon the Plaintiff's motion, the court entered an Order allowing the Plaintiff additional time to file a notice of appeal pursuant to Rule 4(a)(6) of the Federal Rules of Appellate Procedure. The Plaintiff thereafter timely filed his notice of appeal. The Defendant Lackey now urges the court to reconsider its Order. The court has reviewed the briefs filed by the parties as well as the Declaration of Plaintiff's attorney, James M. Harrington, and concludes that Defendant's motion should be denied.

IT IS THEREFORE ORDERED that Defendant's Motion for Reconsideration of Order Granting Plaintiff's Request to Reopen the Time to File an Appeal is hereby DENIED.

Signed: February 14, 2008



Graham C. Mullen
United States District Judge

